

EXHIBIT 1

From: [Rex Shannon](#)
To: [Leapheart, David](#)
Cc: [Mark Nelson](#); [Schottenfeld, Joseph Rostain](#); [Walker-Wells, Evan](#); [Lynch, Mark](#); [Guzy, Gary](#); [Crowley, Megan](#); [Cline, Brenden](#); [Carroll Rhodes](#); [crhode](#); [Gerald Kucia](#)
Subject: RE: State v. Reeves--Scheduling Discussion
Date: Monday, August 14, 2023 9:18:13 AM
Attachments: [image001.png](#)
[image002.jpg](#)

[EXTERNAL]

David,

It is the State Defendants' position that pursuant to the Local Rules and local practice, a Rule 26(f) conference is premature given the current posture of this case.

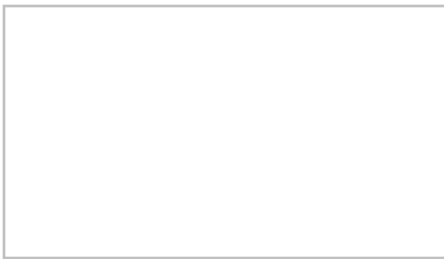
In accordance with local practice, once an order is entered lifting the stay, the Rule 26(f) conference will be scheduled in due course upon entry of a Rule 16 initial order setting the telephonic case management conference. During that conference, the magistrate judge will establish discovery parameters and all case management deadlines. As noted, a Rule 26(f) conference and any discussion of scheduling are presently premature.

Furthermore, pending before the Court are Plaintiffs' motion for preliminary injunction, Plaintiffs' motion for "clarification," Plaintiffs' motion to amend their complaint to add new defendants, and DOJ's motion to intervene to add the State of Mississippi as a defendant. At this juncture, we don't even know yet which defendants will ultimately litigate this case. Nor has the Court yet addressed the manner in which discovery will proceed relative to the consolidated *Jxn Undivided* case. As a practical matter, these outstanding issues will need to be resolved before any discovery commences.

We will, of course, review any motion that is filed. The State Defendants reserve the right to respond to such motion in due course in the time frame permitted by L.U.Civ.R. 7(b)(4).

Regards,
Rex

Rex M. Shannon III
Special Assistant Attorney General
Deputy Director, Civil Litigation Division
Mississippi Attorney General's Office
550 High Street, Suite 1100
Post Office Box 220
Jackson, Mississippi 39205-0220
Telephone: (601) 359-4184
rex.shannon@ago.ms.gov



Confidentiality Notice: This message is being sent by the Office of the Attorney General for the State of Mississippi and is intended only for the use of the individual to whom it is addressed and may contain information that is legally privileged or confidential. If you are not the intended recipient, you are hereby notified that any distribution or copying of this message is strictly prohibited. If you have received this message in error, please notify the original sender or the Office of the Attorney General at (601) 359-3680 immediately by telephone or by return email and delete this message from your computer. Thank you.

From: Leapheart, David <DLeapheart@cov.com>

Sent: Friday, August 11, 2023 2:48 PM

To: Rex Shannon <Rex.Shannon@ago.ms.gov>

Cc: Mark Nelson <mark@nelsonfirm.law>; Schottenfeld, Joseph Rostain <jschottenfeld@naacpnet.org>; Walker-Wells, Evan <ewells@naacpnet.org>; Lynch, Mark <mlynch@cov.com>; Guzy, Gary <GGuzy@cov.com>; Crowley, Megan <MCrowley@cov.com>; Cline, Brenden <BCline@cov.com>; Carroll Rhodes <crhodes6@bellsouth.net>; crhode <crhode@bellsouth.net>; Gerald Kucia <Gerald.Kucia@ago.ms.gov>

Subject: RE: State v. Reeves--Scheduling Discussion

Rex,

As I mentioned, the court mooted the stay via the attached email. Is it the state's position that the stay is still in place notwithstanding the Court's email mootting the stay and directing "[i]f any party herein requests a stay of this matter, said party is instructed to file the proper motion on ECF." (which, to our knowledge, has not been filed). If so, we will file a motion to start discovery. Am I correct that the state opposes such a motion? Thanks.

-David

From: Rex Shannon <Rex.Shannon@ago.ms.gov>

Sent: Thursday, August 10, 2023 6:38 PM

To: Leapheart, David <DLeapheart@cov.com>

Cc: Mark Nelson <mark@nelsonfirm.law>; Schottenfeld, Joseph Rostain <jschottenfeld@naacpnet.org>; Walker-Wells, Evan <ewells@naacpnet.org>; Lynch, Mark <mlynch@cov.com>; Guzy, Gary <GGuzy@cov.com>; Crowley, Megan <MCrowley@cov.com>; Cline, Brenden <BCline@cov.com>; Carroll Rhodes <crhodes6@bellsouth.net>; crhode <crhode@bellsouth.net>; Gerald Kucia <Gerald.Kucia@ago.ms.gov>

Subject: RE: State v. Reeves--Scheduling Discussion

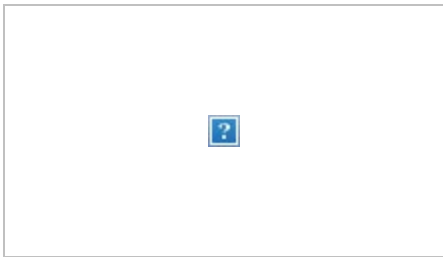
[EXTERNAL]

David,

The docket does not reflect entry of an order lifting the stay. Pursuant to L.U.Civ.R. 16, a Rule 26(f) conference is premature.

Regards,
Rex

Rex M. Shannon III
Special Assistant Attorney General
Deputy Director, Civil Litigation Division
Mississippi Attorney General's Office
550 High Street, Suite 1100
Post Office Box 220
Jackson, Mississippi 39205-0220
Telephone: (601) 359-4184
rex.shannon@ago.ms.gov



Confidentiality Notice: This message is being sent by the Office of the Attorney General for the State of Mississippi and is intended only for the use of the individual to whom it is addressed and may contain information that is legally privileged or confidential. If you are not the intended recipient, you are hereby notified that any distribution or copying of this message is strictly prohibited. If you have received this message in error, please notify the original sender or the Office of the Attorney General at (601) 359-3680 immediately by telephone or by return email and delete this message from your computer. Thank you.

From: Leapheart, David <DLeapheart@cov.com>
Sent: Thursday, August 10, 2023 8:01 AM
To: Rex Shannon <Rex.Shannon@ago.ms.gov>
Cc: Mark Nelson <mark@nelsonfirm.law>; Schottenfeld, Joseph Rostain <jschottenfeld@naacpnet.org>; Walker-Wells, Evan <ewells@naacpnet.org>; Lynch, Mark <mlynch@cov.com>; Guzy, Gary <GGuzy@cov.com>; Crowley, Megan <MCrowley@cov.com>; Cline, Brenden <BCline@cov.com>; Carroll Rhodes <crhodes6@bellsouth.net>; crhode <crhode@bellsouth.net>; Gerald Kucia <Gerald.Kucia@ago.ms.gov>
Subject: RE: State v. Reeves--Scheduling Discussion

Rex,

I hope you've been well. We understand the State's position is that discussion of a case schedule is premature in absence of an initial order. We note, however, that Local Rule 16 requires the parties

to meet and confer in accordance with Rule 26 within 14 days of the Court's lifting of a discovery stay. The court lifted the stay in June via the attached email, so we are overdue. Can you provide your availability for a Rule 26(f) conference?

Mark, as before, we're cc'ing you so that you're aware of all developments, but do not expect you to join based on your representations and the NAACP's.

Best,
David

From: Rex Shannon <Rex.Shannon@ago.ms.gov>
Sent: Wednesday, July 12, 2023 5:59 PM
To: Leapheart, David <DLeapheart@cov.com>
Cc: Mark Nelson <mark@nelsonfirm.law>; Schottenfeld, Joseph Rostain <jschottenfeld@naacpnet.org>; Walker-Wells, Evan <ewells@naacpnet.org>; Lynch, Mark <mlynch@cov.com>; Guzy, Gary <GGuzy@cov.com>; Crowley, Megan <MCrowley@cov.com>; Cline, Brenden <BCline@cov.com>; Carroll Rhodes <crhodes6@bellsouth.net>; crhode <crhode@bellsouth.net>; Gerald Kucia <Gerald.Kucia@ago.ms.gov>
Subject: RE: State v. Reeves--Scheduling Discussion

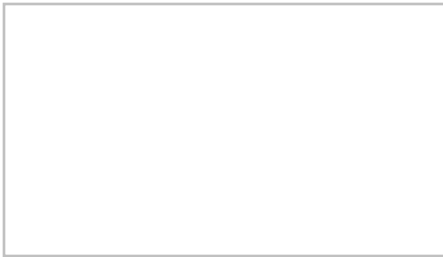
[EXTERNAL]

David,

Thanks for your e-mail below. The court has not yet entered a Rule 16 initial order in this case. In accordance with local practice, the magistrate judge will establish case management deadlines in due course during a telephonic case management conference set by the Rule 16 order. Accordingly, any discussion of a case schedule is premature at this juncture.

Regards,
Rex

Rex M. Shannon III
Special Assistant Attorney General
Deputy Director, Civil Litigation Division
Mississippi Attorney General's Office
550 High Street, Suite 1100
Post Office Box 220
Jackson, Mississippi 39205-0220
Telephone: (601) 359-4184
rex.shannon@ago.ms.gov



Confidentiality Notice: This message is being sent by the Office of the Attorney General for the State of Mississippi and is intended only for the use of the individual to whom it is addressed and may contain information that is legally privileged or confidential. If you are not the intended recipient, you are hereby notified that any distribution or copying of this message is strictly prohibited. If you have received this message in error, please notify the original sender or the Office of the Attorney General at (601) 359-3680 immediately by telephone or by return email and delete this message from your computer. Thank you.

From: Leapheart, David <DLeapheart@cov.com>

Sent: Tuesday, July 11, 2023 8:54 PM

To: Rex Shannon <Rex.Shannon@ago.ms.gov>

Cc: Mark Nelson <mark@nelsonfirm.law>; Schottenfeld, Joseph Rostain <jschottenfeld@naacpnet.org>; Walker-Wells, Evan <ewells@naacpnet.org>; Lynch, Mark <mlynch@cov.com>; Guzy, Gary <GGuzy@cov.com>; Crowley, Megan <MCrowley@cov.com>; Cline, Brenden <BCline@cov.com>; Carroll Rhodes <crhodes6@bellsouth.net>; crhode <crhode@bellsouth.net>

Subject: State v. Reeves--Scheduling Discussion

Good Evening Rex,

Hope you're well. I'm emailing on behalf of the NAACP in case 23-272. In light of Judge Wingate's scheduling questions at the last hearing, we'd like to set up a meet and confer to discuss a possible case schedule so that we can move the case along as efficiently as possible. Would sometime in the afternoon on July 12 or July 13 work for you?

Mark, we're cc'ing you so that you're aware of all developments, but do not expect you to join based on your representations and the NAACP's.

Thanks very much.

Best,
David

David Leapheart

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T 202-662-5640 | dleapheart@cov.com

www.cov.com